

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BISCOTTI, INC.

Case No. 3:07-cv-3681 BZ

Plaintiff(s),

v.

ADR CERTIFICATION BY PARTIES
AND COUNSEL

KANDY KISS OF CALIFORNIA,
INC., d/b/a Zoey, and Does 1-
10, inclusive

Defendant(s).

Pursuant to Civil L.R. 16-8(b) and ADR L.R. 3-5 (b), each of the undersigned certifies that he or she has:

(1) Read the handbook entitled "*Dispute Resolution Procedures in the Northern District of California*" on the Court's ADR Internet site www.adr.cand.uscourts.gov (*Limited printed copies are available from the clerk's office for parties in cases not subject to the court's Electronic Case Filing program (ECF) under General Order 45*);

(2) Discussed the available dispute resolution options provided by the Court and private entities; and

(3) Considered whether this case might benefit from any of the available dispute resolution options.

Dated: Oct 30, 2007

[Signature]
[Party] *Top Sec/Treas Biscotti, Inc*

Dated: 10/30/07

[Signature]
[Counsel]

When filing this document in ECF, please be sure to use the ADR Docket Event entitled "ADR Certification (ADR L.R. 3-5b) of Discussion of ADR Options."

Biscotti, Inc. v. Kandy Kiss of California, Inc., et al.
United States District Court, Northern District
Case No. 3:07-cv-3681 BZ

I, the undersigned, certify that I am employed in the City and County of San Francisco, California; that I am over the age of eighteen years and not a party to the within action; and that my business address is Nixon Peabody LLP, One Embarcadero Center, 18th Floor, San Francisco, CA 94111-3600.

On October 31, 2007, I served the following document(s):

ADR CERTIFICATION BY PARTIES AND COUNSEL

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

- ___: By First-Class Mail — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, CA, for mailing to the office of the addressee following ordinary business practices.
- ___: By Personal Service — I caused each such envelope to be given to a courier messenger to personally deliver to the office of the addressee.
- ___: By Overnight Courier — I caused each such envelope to be given to an overnight mail service at San Francisco, CA, to be hand delivered to the office of the addressee on the next business day.
- X: By Facsimile — From facsimile number 415-984-8300, I caused each such document to be transmitted by facsimile machine, to the parties and numbers listed below, pursuant to Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration.

Addressee(s)

Mark D. Brutzkus, Esq. Luis A. Garcia, Esq. EZRA, BRUTZKUS, GUBNER LLP 21650 Oxnard Street, Suite 500 Woodland Hills, CA 91367	Attorneys for Defendant Kandy Kiss of California, dba Zoey Telephone: (818) 827-9000 Facsimile: (818) 827-9099 mbrutzkus@egb-law.com lgarcia@ebg-law.com
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I declare under penalty of perjury that the foregoing is true and correct. Executed on October 31, 2007, at San Francisco, California.



Cara M. Kim